

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

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ALEXIS L. MARTINEZ,

Petitioner,

v.

CHARLES GREEN, et al.

Respondents.

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Civil Action No. 15-7707 (CCC)

**MEMORANDUM AND ORDER**

This matter having come before the Court on Petitioner Alexis L. Martinez (“Petitioner”)’s Petition for Writ of Habeas Corpus pursuant to 18 U.S.C. § 2241 (“Petition”). Petitioner is challenging his mandatory detention by immigration officials under 8 U.S.C. § 1226(c). Having screened the Petition in accordance with Rule 4 of the Rules Governing Section 2254 Cases, applicable to § 2241 cases through Rule 1(b),

**IT IS** on this 29<sup>th</sup> day of December, 2015,

**ORDERED** that all Respondents other than Charles Green are hereby **DISMISSED**, *see Rumsfeld v. Padilla*, 542 U.S. 426, 435 (2004) (“[I]n habeas challenges to present physical confinement - ‘core challenges’ - the default rule is that the proper respondent is the warden of the facility where the prisoner is being held, not the Attorney General or some other remote supervisory official”); it is further

**ORDERED** that the Clerk of the Court shall serve copies of the Petition and this Order upon Respondent Charles Green by regular mail, with all costs of service advanced by the United States; it is further

**ORDERED** that the Clerk of the Court shall forward a copy of the Petition and this Order to Chief, Civil Division, United States Attorney's Office, at the following email address: USANJ-HabeasCases@usdoj.gov; it is further

**ORDERED** that, within 45 days after the date of entry of this Order, Respondent shall electronically file a full and complete answer to said Petition, which responds to the factual and legal allegations of the Petition paragraph by paragraph; it is further

**ORDERED** that the answer shall state the statutory authority for Petitioner's detention, *see* 28 U.S.C. § 2243; it is further

**ORDERED** that Respondent shall raise by way of the answer any appropriate defenses which Respondent wishes to have the Court consider, including, but not limited to, exhaustion of administrative remedies, and also including, with respect to the asserted defenses, relevant legal arguments with citations to appropriate legal authority; it is further

**ORDERED** that Respondent shall electronically file with the answer certified copies of the administrative record and all other documents relevant to Petitioner's claims; it is further

**ORDERED** that all exhibits to the Answer must be identified by a descriptive name in the electronic filing entry, for example:

"Exhibit #1 Transcript of [type of proceeding] held on XX/XX/XXXX" or

"Exhibit #2 Opinion entered on XX/XX/XXXX by Judge YYYY"; it is further

**ORDERED** that Petitioner may file and serve a reply in support of the Petition within 30 days after the answer is filed; and it is further

**ORDERED** that, within 7 days after any change in Petitioner's custody status, be it release or otherwise, Respondent shall electronically file a written notice of the same with the Clerk of the Court.

**SO ORDERED.**

A handwritten signature in black ink, appearing to read "Claire C. Cecchi". The signature is fluid and cursive, with the first and last names being more prominent than the middle initial.

Claire C. Cecchi, U.S.D.J.